

Serial No. 10/694,320 - Rondinelli
Art Unit 3711 - Attorney Docket 648.001
Response to July 6, 2005 Office Action
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REMARKS

Entry of the foregoing amendments is respectfully requested. Claims 16-21 have been withdrawn. New claim 22 has been added. Claims 1-15 and 22 are currently pending in the application. Favorable reconsideration and allowance of this application is respectfully requested in light of the foregoing amendments and the remarks that follow.

1. Claim Rejections - 35 USC § 112

In the Office Action the Examiner has rejected claims 1-15 under 35 USC § 112 (second paragraph) as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention:

Applicant respectfully traverses the Examiner's rejections to claim 1-15 as being indefinite. More specifically, in applicant's opinion, the terminology "according to American football rules" and "under conventional basketball rules" is definite. The fact that claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite under 35 USC § 112, second paragraph. *Seattle Box Co., v. Industrial Crating and Packaging, Inc.*, 731 F.2d 818, 221, USPQ 568 (Fed. Cir. 1984). Acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed in light of the specification.

In the present situation, applicant is of the opinion that a person of ordinary skill in the art would readily determine that the claim language "according to American football rules" and "under conventional basketball rules" would refer to the rules for each of the particular sports as currently played in the United States. Furthermore, because the rules for different levels of play (i.e., grade school, high school, college and professional) of each sport already vary to some extent from one another, in applicant's opinion there is no other or more definite way to describe the rules for each of the sports in a manner which encompasses all of the variations in the rules between these various levels of play. As a result, applicant believes that the language in claim 1 concerning the limitation "according to American football rules" and "under conventional

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